

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant : Botstein et al.
Appl. No. : 10/033,396
Filed : December 27, 2001
For : SECRETED AND
TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME
Examiner : Unknown

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
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below:

May 16, 2002

(Date)

AnneMarie Kaiser, Reg. No. 37,649

**PETITION FOR RECONSIDERATION REQUIREMENT FOR DEPARTMENT OF
ENERGY PROPERTY RIGHTS STATEMENT UNDER 1002.02(c)(1)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Attn: LICENSING AND REVIEW

Dear Sir:

Applicants hereby petition for reconsideration of the Notice mailed on April 26, 2002 relating to the Department of Energy property rights statement under 42 U.S.C. 2182. A copy of the Notice is attached.

The subject matter in the above-referenced application is not "useful in the production or utilization of special nuclear material or atomic energy." Instead, the subject matter of the above-referenced application relates to the identification and isolation of novel nucleic acids and to the recombinant production of novel polypeptides.

Applicants therefore request that the Notice and requirement for a property rights statement be withdrawn and that the application be passed to Group Art Unit 1656 for examination.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 16, 2002

By: AnneMarie Kaiser

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